HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 5212 of 2007

DATED: 15-03-2007

Between:

D.Thirupathy

…Petitioner

and

Sub-Collector, Asifabad,
Adilabad District and others

…Respondents.

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 5212 of 2007

ORAL ORDER:

The petitioner is aggrieved by the notification dated 5-3-2007 calling for applications for grant of authorization for specified Fair Price Shops including Shop No.II of Sirpur Town, Adilabad District. The petitioner's wife was a Fair Price Shop authorisee. She fell ill and made an application for transfer of the authorization in favour of the petitioner. By the order of the Revenue Divisional Officer concerned dated 27-7-2003 the request of the petitioner's wife was acceded to and the petitioner was appointed as a Fair Price Shop Dealer of Shop No.II of Sirpur town until further orders with a clear specification that the appointment is temporary and liable to be terminated without any notice, as the petitioner has no right to claim for authorization. Apparently the petitioner's wife has not recovered to run the shop and therefore the impugned notification has been issued calling for applications for grant of authorization afresh including Shop No. II of Sirpur town.

The petitioner assails the notification on the ground that the notification has been issued during the subsistence of his authorization. The factual foundation for the petitioner's assumption and consequently for his claim is not explained. The petitioner was never an authorisee for the shop in question on a permanent basis. He was granted temporary authorization until further orders with the clear specification that his authorization may be terminated without any notice and that he has no claim for authorization on the basis of the

mere fact that his wife was the earlier authorisee. Such adventitious tenure of authorization does not entitle the petitioner to claim a permanent authorization. His authorization is adventitious and has expired on the issuance of the notification impugned.

There are no merits in the writ petition and the same is accordingly dismissed at the stage of admission, after hearing the learned Government Pleader for Civil Supplies also. There shall be no order as to costs.

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GODA RAGHURAM, J

15-03-2007
GRR